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MONTANA STATE EMPLOYEE HANDBOOK

2000

MONTANA STATE EMPLOYEE HANDBOOK

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INTRODUCTION

This handbook gives state employees general information and answers to frequently asked employment-related questions. Personnel policies that apply to the majority of State of Montana employees are published in the Administrative Rules of Montana. These rules are available at the Montana State Library, in your agency, and are found in the Montana Operations Manual, Volume 3, Personnel Policies and Procedures, which also is available in your agency. In addition to the statewide personnel policies, your agency may have additional personnel policies and procedures. Collective bargaining agreements also may establish some employees' procedures. Your personnel officer or supervisor has more information about how these policies are applied in your agency.

DISCLAIMER: The purpose of this handbook is to inform employees about the requirements and benefits of employment with state government. In many cases, this handbook is a summary of the laws set out in Title 2, Chapter 18, Montana Code Annotated (MCA) and the rules found in Title 2, Chapter 21, Administrative Rules of Montana (ARM). Because those laws and rules change, this handbook should not be a final source of employee laws and rules. **This handbook must not be cited as support for any legal argument.** If this handbook differs with a law or rule, the law or rule applies.

If you have questions about the content of this handbook, contact your supervisor, personnel office, or the State Personnel Division at 444-3871. Our address is Department of Administration, State Personnel Division, P.O. Box 200127, Helena, MT 59620-0127. The following summary describes the functions of each bureau in the State Personnel Division.

HUMAN RESOURCES STANDARDS AND SERVICES BUREAU This bureau develops, maintains and provides oversight for systems and standards and provides technical assistance, training and consulting services to state agencies in the following areas: position classification, employee compensation, recruitment, selection and performance management. The bureau also provides policy development and interpretation in areas such as ADA, FMLA, and FLSA. This bureau is currently involved in the HR Competency Project. The goal of this project is to develop an alternative classification and pay system and to introduce competency-based HR practices into all major HR management activities. This project will lead to change in HR practices across state government.

PAYROLL BUREAU This bureau maintains the PeopleSoft Computer system for payroll purposes. Operation of the PeopleSoft system includes production of the biweekly payroll and maintenance of the PeopleSoft database.

EMPLOYEE BENEFITS BUREAU This bureau administers and provides services related to the state health benefits plan, the deferred compensation plan, the health promotion program, and the sick leave fund.

LABOR RELATIONS BUREAU This bureau provides collective bargaining services to state agencies.

THE PROFESSIONAL DEVELOPMENT CENTER The Professional Development Center (PDC) provides training for state employees and their managers. Most of the PDC courses are “open enrollment” meaning they are announced on an open schedule. Employees from any state agency are eligible to attend, provided they have approval from their agency. Visit the PDC website at http://www.mt.gov/doa/spd/pdcjas.htm for information about training.

DEFINITIONS

The following definitions explain some of the terms used in this manual.

“Full-time employee” means an employee who normally works 40 hours a week.

“Part-time employee” means an employee who normally works less than 40 hours a week.

“Permanent employee” means an employee who is designated as permanent and who has attained or is eligible to attain permanent status.

“Permanent status” means the state an employee attains after satisfactorily completing an appropriate probationary period.

“Seasonal employee” means a permanent employee who is designated by an agency as seasonal, who performs duties interrupted by the season, and who may be recalled without the loss of rights or benefits accrued during the preceding season.

“Short-term worker” means a person who is hired by an agency for an hourly wage established by the agency, may not work more than 90 days in a continuous 12-month period, is not eligible for permanent status, may not be hired into another position by the agency without a competitive selection process, and is not eligible to earn leave, holiday, and insurance benefits.

“Temporary employee” means an employee who is designated as temporary by an agency for a definite period of time not to exceed 12 months, performs temporary duties or permanent duties on a temporary basis, is not eligible for permanent status, is terminated at the end of the employment period, and is not eligible to become a permanent employee without a competitive selection process.

SALARY AND BENEFITS

PAY PLAN Each session, the Legislature approves a pay plan for state employees and appropriates money to fund the program.

Most classified employees are paid under the statewide pay plan that consists of 25 pay grades. Teachers, blue collar workers, and physicians have separate pay plans. In addition to separate pay plans, some hard to recruit professional positions are excepted from the pay rate paid by the state pay plan. For example, positions in information technology and engineering fields.

Within fiscal constraints, the intent of the state's pay plan is to provide a compensation package that is competitive in relation to other public and private sector labor markets. Information about the labor market is included in the biennial salary survey.

If you have questions about pay, contact your agency personnel office or the pay administration staff in the Human Resources Standards and Services Bureau.

OVERTIME AND COMPENSATORY TIME The Fair Labor Standards Act (FLSA) covers state government overtime and some compensatory time practices. Union agreements also may influence an employee's eligibility for overtime pay.

Some positions are *exempt* from the overtime provisions of FLSA. However, employees in these positions may be eligible to earn compensatory time under the state's administrative rules.

For more information about how FLSA applies to your position, contact your agency personnel office.

SALARY PAYMENT The State of Montana pays employees every two weeks. You will receive your check within 10 business days following the last day of the payroll period. You must submit a time sheet at the end of each pay period. See your supervisor for pay periods and pay dates.

If you have your pay deposited automatically, you will receive a payroll advice form that shows the number of hours worked, gross pay, net pay, and other items such as insurance, tax withholdings, deferred compensation, credit union or union deductions, and charitable contributions. It also shows the amount of annual leave, sick leave, and compensatory time you've earned and used. If you receive a paycheck, this information is on your check stub.

There are 26 pay periods in each year. Deductions, such as insurance or credit union payments, are halved each month and deducted from 24 pay periods. During the year, there are two pay periods without these types of deductions.

If you have questions about your pay, contact your agency's payroll technician.

STATE AND FEDERAL WITHHOLDING TAXES The state withholds a portion of your wages to help you meet your tax obligations. Shortly after the end of the year, you will

receive IRS Form W-2 that shows the total amount of taxes the state has withheld during the past year. The amount withheld depends on your salary and the number of dependents you claim. At anytime during the year, you may change the number of dependents you claim provided you follow the IRS guidelines on dependents.

SOCIAL SECURITY State employees are covered by Social Security and/or Medicare. Currently, 7.65 percent of your salary is withheld for Social Security and Medicare coverage. This includes 6.2 percent for Social Security and 1.45 percent for Medicare.

You may be eligible for Social Security benefits when you retire or become permanently disabled. In event of your death, Social Security also may provide benefits to your survivors. For detailed information, contact your federal Social Security office.

RETIREMENT There is no mandatory retirement age for state employees. Membership in the Public Employees' Retirement System (PERS) is mandatory for most state employees and begins on the first day of employment. Mandatory contributions to PERS are tax deferred and may not be refunded for any reason until termination of covered employment. PERS provides retirement, disability, and death benefits to more than 27,000 state and local government and school district employees. In addition to PERS, the Public Employees' Retirement Division (PERD) administers the Game Wardens' and Peace Officer's, Judges', Sheriffs', and Highway Patrol Officers' retirement systems.

The Montana Public Employee Retirement System handbook provides details about PERS. It's available from your agency's payroll staff, your personnel office, or PERD. To help you plan for retirement, PERD and the Professional Development Center jointly sponsor quarterly Pre-Retirement Planning workshops around the state. For more information about benefits available to you from your retirement system, write to the Public Employees' Retirement Division, 1712 Ninth Avenue, P.O. Box 200131, Helena, MT 59620-0131, or phone 444-3154.

HEALTH AND LIFE INSURANCE GROUP BENEFITS The State of Montana has developed a comprehensive group insurance benefits program that includes medical, dental, vision, prescription, and life insurance options. The state contribution covers the cost of your "core" medical, dental, and basic life insurance. Additional coverage is available for yourself and your eligible dependents. Your personnel office or the Employee Benefits Bureau has information about the costs of additional coverage.

The state sponsors a biannual health screening for eligible employees at no cost. The screening features a blood analysis, body weight assessment, and overall health review. The benefits bureau notifies employees when health screenings are scheduled.

Another benefit of state health insurance is the Employee Assistance Program (EAP). The program is intended to help you and your family deal with personal problems. EAP offers confidential counseling services. Short-term counseling (up to 4 visits) is provided free of charge. A pamphlet that describes the EAP is available in your agency or through the

benefits bureau. Call 1-800-833-3031 for 24-hour, seven days per week, crisis counseling.

The Employee Benefits Plan booklet provides a complete description of health and life insurance benefits. For a copy, contact your agency personnel office or the Employee Benefits Bureau.

DEFERRED COMPENSATION The state deferred compensation program is a voluntary supplemental retirement program authorized by Internal Revenue Service Codes and Montana law. The program allows you to defer a specified amount of pre-tax income into your account. The amount you defer, and any investment income, is not taxable until you begin receiving the money, usually at retirement.

For more information about deferred compensation, contact BenefitsCorp, the Plan's third party administrator at 1-800-981-2786 or 449-2408.

WORKERS' COMPENSATION If you have an accident on the job, notify your supervisor immediately. You may be eligible for workers' compensation insurance. Some departments also have early return to work programs that are available to employees who qualify for workers' compensation. Ask your supervisor about your agency's early return to work program.

The Department of Labor and Industry publication Workers' Compensation Information Pamphlet provides details about workers' compensation insurance. To obtain a copy, contact the Employment Relations Division, Department of Labor and Industry, P.O. Box 8011, Helena, MT 59624-8011, or call 444-7751, 444-3089 or 444-6543.

UNEMPLOYMENT INSURANCE State employees are covered by unemployment insurance. If you become unemployed through no fault of your own, you may be eligible for benefits.

If you become unemployed and want to collect unemployment insurance benefits, you must register with Job Service. To receive benefits you must be able to, available for, and actively seeking work.

Contact your local Job Service Office if you have questions about eligibility for unemployment benefits.

ON THE JOB

STANDARDS OF CONDUCT As a state employee, you are expected to carry out the duties of your job for the benefit of the people of the state of Montana, not for personal gain.

The Legislature has established standards of conduct for employees. These include a Code of Ethics, Proscribed Acts Related to Contracts and Claims, and prohibitions against

nepotism (see Title 2, Chapter 2, MCA).

The publication “Ethics-Standards of Conduct for State Employees” explains standards of conduct that apply to all state employees. For a copy, see your personnel office or call the State Personnel Division at 444-3871.

Your agency’s standards of conduct policy may have additional requirements that apply to you. If you have questions about standards of conduct, contact your supervisor or agency personnel officer.

ATTENDANCE Your work hours depend on your position and agency. Many state agencies operate from 8:00 a.m. to 5:00 p.m., Monday through Friday. Some agencies operate 24 hours a day, seven days a week. There also are agencies that allow alternate work schedules. See your supervisor for specific information about work schedules in your agency.

If you will be late or unable to report for work, follow your agency’s policy about notifying your supervisor.

PROBATIONARY PERIOD All newly-hired employees in permanent or seasonal positions serve a probationary period. During this period, an agency assesses an employee's ability to perform the job duties. Conduct and performance on the job determines whether an employee should be retained beyond the probationary period. Employees who complete the probationary period attain permanent status and may have additional rights under state law and personnel policies. An employee who attains permanent status retains permanent status when he or she transfers to another position or agency.

A probationary period may be six months to one year unless otherwise provided by law. Under certain circumstances, a probationary period may be extended an additional six months. Each agency establishes probationary periods for positions within the agency.

For more information about probationary policies, contact your supervisor or agency personnel office.

EQUAL EMPLOYMENT OPPORTUNITY Because of numerous state and federal laws, it is illegal for employers to discriminate on the basis of race, creed, color, national origin, sex, religion, age, marital status, political beliefs, or physical or mental disability. These laws are enforced by the Montana Human Rights Division and the Equal Employment Opportunity Commission (EEOC).

The state has an Equal Employment Opportunity (EEO) Program and an Americans with Disabilities Act (ADA) Program. The state's Equal Employment Opportunity (EEO) Program was established through a governor's executive order to address discrimination in salaries, job structuring and classification, hiring, firing, promoting, and training.

Each agency has an EEO Officer who develops, implements, and maintains the agency’s EEO Program. Often, this person also is the agency’s Affirmative Action (AA) coordinator.

The AA program objectives are to provide equal employment opportunity to all persons regardless of race, color, religion, creed, sex, national origin, age, disability, marital status, or political belief. Affirmative action equalizes employment opportunities for people who may have been historically denied equal access, for example, minorities, women, and people with disabilities.

The state's ADA Program was established through a governor's executive order to assist state agencies to remove barriers keeping individuals with disabilities from participating in state government.

A qualified person with a disability cannot be excluded from participation in or be denied the benefits of the services, programs, or activities offered by state government. The state of Montana provides reasonable accommodation for known disabilities that may interfere with a person's ability to participate in state services and programs, compete in job recruitment and selection, or perform the essential duties of a job.

Each agency has appointed an ADA Coordinator and adopted ADA complaint resolution procedures. For more information about the ADA, contact your agency's ADA coordinator or the ADA coordinator in the Human Resources Standards and Services Bureau, State Personnel Division.

Sexual harassment is against the law and the state is committed to preventing sexual harassment. All employees have a right to work in an environment free of sexual harassment. Sexual harassment is generally defined as unwelcome sexual advances, requests for favors, and other verbal, physical and/or visual contact of a sexual nature when:

- submission is made either explicitly or implicitly a term or condition of an individual's employment;
- submission or rejection by an employee is used as a basis for employment decisions affecting the employee; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or otherwise offensive work environment.

You should report sexual harassment as soon as possible. If you are being sexually harassed, don't keep it to yourself. Inform the individual that his or her behavior is unwelcome, offensive, or inappropriate. If you are unable to confront the individual or if the harassment continues, notify your supervisor or the first level of management not involved. You may also notify your agency's EEO Officer. Ask about your agency's sexual harassment complaint resolution procedure.

If you believe you have been illegally discriminated against including sexual harassment,

you may file a complaint with your supervisor or agency EEO Officer. You also may file a complaint with the Montana Human Rights Bureau, Department of Labor and Industry, within 180 days of the alleged incident.

If an employee initiates action to resolve a discrimination complaint by using an agency or union agreement grievance procedure, the time allowed to file a complaint with the Montana Human Rights Bureau is extended for the period of time it takes to complete the grievance procedure up to a maximum of 120 days. If the grievance procedure is not completed within 120 days of the alleged incident, the complaint must be filed with the Bureau within 300 days from the date of the alleged incident. Contact your agency EEO Officer or the Human Rights Bureau at 444-2884 for additional information about discrimination and harassment.

GRIEVANCES Employees who have attained permanent status may file a grievance under procedures set out in the statewide Grievances policy and their agency's grievance policy. Employees covered by union agreements, which contain grievance procedures, may file under those procedures.

See your supervisor or agency personnel office for details about your agency's grievance procedure.

CLASSIFICATION The Department of Administration directs the statewide classification plan. Most agencies have the authority to classify their positions. Administration and the agencies use the Benchmark Factoring Method (BFM) of classification. Benchmark Factoring evaluates the duties assigned to a position rather than the characteristics of an employee in the position.

Your position is evaluated based on complexity and variety of duties, knowledge, skills, and abilities required, supervision received, supervision exercised, scope and effect of actions and decisions, and personal contacts. This evaluation results in a classification and grade for your position.

The Human Resources Standards and Services Bureau publishes an inventory of class titles and a volume of standards that illustrate the application of BFM. If you have questions about the classification of your position, contact your agency personnel office or the Human Resources Standards and Services Bureau, State Personnel Division. You can view the State Personnel Classification Manual on the Montana State Library website. The Internet address is http://statedocs.msl.state.us/default.html.

EMPLOYEE RECORD KEEPING Personnel records for state employees are maintained in both paper and electronic formats. These records may contain personal information like your date of birth, sex, military discharge information, home telephone, emergency contact, skills, training, education, and other information relating to your employment.

You, your supervisor, and managers in the same organizational chain have access to your personnel files. For further information about employee record keeping or to access information in your files, contact your supervisor or agency personnel office.

INCENTIVE AWARDS State employees may be eligible for cash awards if their ideas or achievements save the state money, resources, improve effectiveness, or improve service to the public. If an idea or achievement has a documented value, up to $17,000 may be awarded. If a documented value cannot be calculated, management may award up to $500 or up to 40 hours of paid leave. For more information about incentive awards, contact your agency's incentive award coordinator.

JOB SHARING, ALTERNATIVE WORK SCHEDULES AND TELEWORKING Some agencies use the flexible work strategies to promote increased productivity and employment opportunities. Agencies decide whether these options are available. To request a position be considered for alternate work options, contact your supervisor or agency personnel office.

UNIONS AND EMPLOYEE ORGANIZATIONS State employees, unless exempted by their job status, have the right to be represented by a labor organization. Salary, benefits, and other matters may be negotiated within the limits of the laws that regulate collective bargaining.

State employees exempt from collective bargaining include elected officials, persons directly appointed by the governor, supervisory employees, management officials, members of any board or commission who serve the state intermittently, and professional engineers and engineer interns.

For more information about labor organizations and employee organizations, contact your agency personnel office or the Labor Relations Bureau, State Personnel Division.

POLITICAL ACTIVITY If your position is funded wholly or in part by federal funds, you may be subject to the Hatch Act. If so, you may not use your official authority or influence to:

- interfere with or affect the result of an election or nomination for office;
- directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- be a candidate for elective office in a partisan election.

However, you may express your opinions on political subjects and candidates, take an active part in political management and political campaigns, and be a candidate for an elective office within a political party.

Different rules apply to employees not subject to the Hatch Act. State of Montana restrictions about political activity only covers an employee's time on the job. You may not solicit money or otherwise campaign while at your place of employment.

Montana law does not restrict political activity on your own time. A public employee who is not covered by the Hatch Act may run for a partisan elective office. Public employees serving in an elective office are eligible for up to 180 days of unpaid leave per year.

As a state employee, no one may coerce or require that you contribute money or services to a political candidate or committee. For more information about these regulations, see your supervisor or personnel office.

TRAVEL EXPENSES When you travel on official state business in connection with your job, your agency will pay or reimburse you for certain travel related expenses provided you submit the appropriate receipts. You also must submit a travel expense form. For details on reimbursable travel expenses, see the Montana Operations Manual, Volume 1, Chapter 1-0300.

The state motor pool or your agency may provide you with a state-owned vehicle. If you use your personal vehicle for travel on state business, you must receive prior approval from your agency to be reimbursed for mileage. State law prohibits personal use of state-owned vehicles. If you use public transportation, you should obtain the least expensive fare available.

Your supervisor or agency personnel office has more details about your agency's travel policies and procedures.

RESIGNATION If you plan to resign from state service, you should notify your immediate supervisor at least two weeks before your final day of employment.

LEAVE

ANNUAL VACATION LEAVE Permanent, seasonal, and temporary employees qualify to earn annual leave credits and must be continuously employed for six calendar months to use annual leave. Short-term workers do not earn annual leave. Employees on leave without pay do not earn annual leave credits while in that status. You should request use of annual leave in advance of your absence and follow your agency's leave approval procedure.

Full-time employees earn annual leave credits at a yearly rate calculated based on the following schedule. Part-time employees' leave credits are calculated on a pro-rated basis. In most cases, the schedule is based on your total years of service as a Montana public employee regardless of whether or not your employment was continuous. Under certain conditions military service time, which interrupted your state employment, also may count toward your years of service. Your personnel officer or payroll clerk has details about other public employment that may qualify toward your years of service.

RATE EARNED SCHEDULE

Years of Employment	Working Days Credit Per Year
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24

Unless you are terminated for a reason reflecting discredit on your employer, when you leave state employment you will receive cash compensation for unused annual leave credits. You must have at least six months continuous service to be eligible for cash compensation.

SICK LEAVE Permanent, seasonal, and temporary employees are eligible to earn sick leave credits from their first day of employment. However, you must be employed for 90 continuous days before you are eligible to use sick leave.

Full-time employees earn sick leave at a rate of twelve days per year. Other eligible employees earn sick leave on a prorated basis. Short-term workers do not earn sick leave credits.

Sick leave may be used for the following reasons:

- personal illness, injury, medical disability, maternity-related disability;
- parental leave immediately following your child's birth or placement for adoption;
- quarantine resulting from exposure to a contagious disease;
- medical, dental, or eye examination or treatment;
- care of or attendance to an immediate family member for medical reasons (or other relatives at your agency's discretion); and
- death and funeral attendance of immediate family members (or others at your agency's discretion).

Using sick leave for any reason that is not an approved use of sick leave is considered an abuse of sick leave. Chronic, persistent, or patterned use of sick leave also may be considered an abuse of sick leave. Abuse of sick leave is cause for dismissal and forfeiture of cash compensation for unused sick leave.

Whenever possible, you should request to use sick leave in advance of your absence. Do not wait until you return to work to inform your supervisor about the reason for your absence. Contact your supervisor or agency personnel office for more information about your agency's sick leave policy.

In most cases, when you leave state employment you will receive cash compensation for unused sick leave. The compensation is equal to one-fourth the amount you would have received if you had used your sick leave credits. However, you must be employed for at least 90 continuous days before you are eligible for cash compensation.

SICK LEAVE FUND The sick leave fund offers two programs: grants of sick leave from the fund (for participating employees) and direct grants of sick leave from coworkers. Employees may join the sick leave fund by contributing eight hours of sick leave to the fund. Participation requirements are prorated for part-time employees. You must have at least a 40-hour minimum balance of sick leave after your contribution to the fund.

You must use all your sick leave, annual leave, other accrued paid leave, and have twenty (20) hours leave without pay before receiving sick leave from the fund or direct grants from coworkers. You must receive approval from your agency to use these sources of sick leave. There are additional sick leave fund and direct sick leave grant program requirements.

To find out more about joining the Sick Leave Fund and giving or receiving direct sick leave grants, contact your supervisor, agency personnel office, or the Employee Benefits Bureau, State Personnel Division.

HOLIDAY LEAVE Legal holidays for state employees are:

1) New Year's Day, January 1
2) Martin Luther King Day, the third Monday in January
3) Lincoln's and Washington's Birthday, the third Monday in February
4) Memorial Day, the last Monday in May
5) Independence Day, July 4
6) Labor Day, the first Monday in September
7) Columbus Day, the second Monday in October
8) Veteran's Day, November 11
9) Thanksgiving Day, the fourth Thursday in November
10) Christmas Day, December 25
11) State General Election Day, on even numbered years.

For more information about holidays and holiday benefits, see your supervisor or agency personnel office.

JURY DUTY AND WITNESS LEAVE State employees who formally are summoned or subpoenaed are granted leave to serve as witnesses or serve on a jury. If you are called to serve, you should request jury duty or witness leave and provide a copy of the

summons, subpoena, or jury service notice.

If you collect fees and allowances payable to you because of your service and turn them over to your payroll clerk within three days of the time you receive them, you will receive your regular salary while on leave. You may keep any expense or mileage monies paid by the court if you use your personal vehicle.

You may use your annual vacation leave or compensatory time while serving on a jury duty or as a witness. If you do this, you may keep all fees and allowances paid by the court.

FAMILY AND MEDICAL LEAVE ACT (FMLA) The Family and Medical Leave Act of 1993 (FMLA) entitles qualified employees up to 12 workweeks of unpaid, job-protected leave in a 12 month period for the following reasons:

- birth of a son or daughter and to care for the newborn child;
- placement with the employee of a child for adoption or foster care and to care for the child;
- care for an employee's spouse, son, daughter, or parent with a serious health condition; and
- because of a serious health condition that makes an employee unable to perform the essential functions of his or her job.

A state employee must have worked for the State of Montana for a total of 12 months and at least 1,040 hours during the previous 12 months to qualify for FMLA leave.

Employees may request or an agency may require that an employee use paid sick leave during an absence designated as FMLA leave. Employees may elect to use vacation leave concurrently with FMLA leave. However, policies regarding the use of paid leave with FMLA leave vary from agency to agency.

Your agency may require 30 days of advance notice when FMLA leave is "foreseeable". For example, an agency may require advance request of FMLA leave for childbirth.

Your agency may require medical certification to verify the need for FMLA leave, second or third medical opinions (at the agency's expense), and a fitness to return to work report. FMLA leave or return to work from FMLA leave may be denied until medical certification is provided. Your agency may require subsequent medical certification to support the need for ongoing leave. Periodically, your agency also may ask you to report your status and intent to return to work following leave.

During an FMLA absence, the state will maintain your health insurance coverage under the same conditions that existed prior to your use of FMLA leave. If you normally pay part of the premium cost for health care or other insurance coverage, you must make the same contributions to maintain coverage during FMLA leave. Prior to FMLA leave, or as soon

as possible after the leave begins, contact your agency personnel or payroll representative to arrange for continuation of health care and insurance benefits. If you fail to make the required payments within 30 days of the scheduled due date, your self-paid health care benefits may be discontinued. If you fail to return to work after taking FMLA leave, you may be liable for repayment of health insurance premiums paid by the state during your unpaid FMLA leave. Employees who return to work for at least 30 days are considered to have met this "return to work" requirement.

In most situations, employees returning from FMLA leave are assigned to their original or equivalent positions with equivalent pay, benefits, other conditions, and terms of employment. The use of FMLA leave does not result in the loss of employment benefits that accrued prior to the start of an employee's leave.

FMLA states an employer may not:

- interfere with, refrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The U.S. Department of Labor and Industry, Wage and Hour Division, is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for FMLA violations.

For more information about the Family and Medical Leave Act and your rights and obligations under the act, contact your agency personnel office, the Human Resources Standards & Services Bureau, or the U.S. Department of Labor and Industry, Salt Lake City, UT, 1-801-524-5706.

DISABILITY AND MATERNITY LEAVE Disability is an illness, injury, or other condition which prevents you from performing some or all of the duties of your position. It may be temporary or permanent. A disability may be the result of a short-term illness or injury, pregnancy or childbirth, or industrial accident. If you are absent because of a disability, you may request sick leave, annual leave, leave without pay, or other accrued leave.

Montana law requires that employers provide a “reasonable” leave of absence for maternity leave. Personnel rules define six weeks as a “reasonable” amount of leave to recover from a temporary disability after the birth of a child. You may request additional leave under the Family Medical Leave Act.

During the first six weeks after childbirth, an employee is not required to provide medical certification of a temporary disability due to childbirth. Your agency may require adequate advance notice about the length and type of leave you will use during maternity leave.

If you need to be absent prior to the birth of your child, or need more than a six-week maternity leave, contact your supervisor or agency personnel office. You may be required to furnish medical certification to continue using sick leave while absent on maternity leave.

Many state agencies have developed early return to work programs for employees who have been injured, cannot return to full-time work, and are eligible for or receiving workers' compensation. In many cases, an employee's existing position or work schedule can be temporarily modified. Other duties may be temporarily assigned to accommodate the physical restrictions identified by an employee's medical provider. Your supervisor, agency personnel office, and the Montana State Fund have more information about early return to work programs.

The state of Montana makes every effort to provide "reasonable accommodation" to people with disabilities covered by the Americans with Disabilities Act of 1990 (ADA). For more information about reasonable accommodation and disability, contact your supervisor, agency personnel office, ADA coordinator, or the Human Resources Standards & Services Bureau.

PARENTAL LEAVE Permanent employees who are birth fathers or parents adopting a child may take a reasonable leave of absence immediately following the birth or placement of an adopted child. Because parental leave is unpaid leave, you also may request sick leave, annual leave, compensatory time, or other appropriate paid leave. Depending on your agency's policy, you may be granted up to 15 working days of parental leave.

Short-term workers and temporary employees are not eligible for parental leave. For more information about parental leave, contact your supervisor or personnel office.

MILITARY LEAVE If you are a member of the organized militia of the state or the military forces of the United States, you are allowed up to 15 working days of paid military leave per year for annual encampments or similar active duty training. Regular military drills, for example weekend drills, are not considered annual encampments or active duty training and do not qualify for paid military leave. If you are not eligible for paid military leave, you may request annual leave, compensatory time, or leave without pay.

You must be employed six calendar months to qualify for paid military leave. When you are on authorized paid military leave, you will receive your regular salary and benefits.

You must submit a copy of the orders that direct you to report for duty with your military leave request. Whenever possible, you should request military leave in advance. Your supervisor or personnel office can provide you with more information about military leave.

If you are a permanent employee who enlists in any branch of the armed services or are ordered to active duty by a reserve component, federal law requires your reinstatement in a job at the same seniority, status, and pay you would have received had you not been called to active duty. You must apply for reemployment within 90 days of discharge from active duty.

LEAVE OF ABSENCE WITHOUT PAY Leave without pay is a period of unpaid absence from employment that does not result in a break in service. In most cases, your agency decides whether to grant leave without pay. There are no restrictions on your reasons for requesting leave without pay. Your agency will consider your request based on the cost and benefits to the agency and other applicable laws, for example, the Family and Medical Leave Act.

For more information about requesting leave of absence without pay, contact your supervisor or personnel office.

UNAUTHORIZED LEAVE OF ABSENCE An unauthorized leave of absence occurs when you are absent from your place of work, have not reported to work, have not provided your supervisor with a reason for your absence, and have not received approval to be absent from work. An unauthorized leave of absence can result in disciplinary action by your agency.

LEAVE DUE TO EMERGENCIES The governor can declare a disaster or emergency. In such an event, the governor may direct the opening or closing of one or more state offices. Ask your personnel office or see the Montana Operations Manual, Volume 3, Chapter 3-0320, for more information about disaster and emergency leave.

RED CROSS SERVICE LEAVE If you are a specially trained Red Cross volunteer qualified for Disaster Leave, you are allowed up to 15 working days of paid leave per year to assist with disasters, at the discretion of your agency and supervisor.

When you are on authorized paid disaster leave, you will receive your regular salary and benefits.

You must submit verification of the request from the Red Cross with your leave request. Red Cross will provide documentation of your participation in disaster relief services. Your supervisor or personnel office can provide you with more information about disaster leave.

EMPLOYEE SERVICES

TRAINING AND DEVELOPMENT

State of Montana Training Programs. The Department of Administration provides training and development opportunities at two training centers:

- The Professional Development Center (PDC) provides a variety of high quality training courses for managers and employees. Topic areas include written and verbal communication development, public relations skills, management development, and other customized training programs. Most are half-day or full-day workshops.

  PDC provides other services such as needs assessment, facilitation, consulting,

mediation, course development, and conference coordination.

For information about courses, schedules, fees, and other services, see PDC's quarterly schedule poster, call PDC at 444-3985, or check the website at http://www.mt.gov/spd/pdcwho.htm.

- Information Services Division (ISD) coordinates a technical training program available to all state employees.

  - Classes on state software and applications through a contract with the Helena College of Technology (HCT) of The University of Montana. Classes include: Microsoft Office (Word, Excel, Access, PowerPoint, Outlook), Windows, Internet, a series of Oracle programming, and a full suite of training on the new Statewide Accounting, Budgeting and Human Resource System (SABHRS).

    HCT will also work with agencies to customize courses to meet specific needs or schedules.

  - Self-study materials (Media Based Training (MBT)). ISD maintains a library of video and CD-ROM courseware on pertinent topics for employee use. MBT is often a cost-effective way to provide training to a small group of employees with a specialized need. For example, there is an extensive library of telecommunications courses such as TCP/IP and internetworking. They are also a good way to provide training resources to remote offices, to supplement an employee's knowledge, or to provide just-in-time training when a class may be unavailable.

  - Specialized subcontracting. When appropriate, ISD will arrange for outside experts to come to Helena to present training. This most often occurs with new technology or complex subjects with a small audience. For example, in the past we have used outside instructors for Windows NT training and systems analysis and development training. In some cases, as the technology becomes more pervasive, the training is taken over by the HCT and added to the regular curriculum.

  - Other classes and publications. ISD offers special classes when a need is identified. For example, monthly security classes are offered to both agency non-technical staff as well as agency LAN administrators. ISD also provides several publications that educate state employees about the use of technology. The monthly *ISD News & Views* newsletter offers tips on state supported software; the pamphlet *Doing IT Right* offers information on the legal use of the state's IT resources.

More information on offerings and schedules is available through *ISD News &*

Views (444-2700) to subscribe), or through the ISD web page at: http://www.state.mt.us/isd/current/index.htm.

Agency Training Programs. Many agencies have internal training programs designed to develop employees' skills that are specific to the agency's mission. Agencies also have training funds for other training programs. Contact your agency's training officer, your supervisor, or personnel office for information about your agency's internal training programs.

CREDIT UNIONS Credit unions for state employees are available in all 56 counties in Montana. Rocky Mountain Credit Union of Helena provides service to state employees in 22 counties.

For more information about credit unions, contact the Montana Credit Unions League, 1236 Helena Avenue, Helena, MT 59601, phone 442-9081, or the Rocky Mountain Credit Union of Helena, 449-2680.

MONTANA STATE LIBRARY The Montana State Library, Statewide Library Resources Program, provides library materials and reference services to state employees. They also provide consulting services and continuing education to many other libraries in Montana.

Other library programs include the Montana Natural Resource Information System (NRIS), which provides information about Montana's natural resources to decentralized databases, the Montana State Library for the Blind and Physically Handicapped, which loans materials in a variety of formats at no charge to eligible institutions and individuals, and the Institutional Library Program, which provides consulting services to 14 state-run institutional libraries in Montana.

Visit the Montana State Library in the Justice and Montana State Library Building at Sixth and Sanders or call 444-3004. The Library's Internet address is http://msl.state.us/.

MONTANA HISTORICAL SOCIETY MUSEUM The Montana Historical Society Museum collects and preserves art and artifacts relating to Montana and its history. The Historical Society Museum includes the exhibit Montana Homeland, the Mackay Gallery of C. M. Russell art, the Haynes Gallery about the life and work of photographer F. Jay Haynes, and the Northeast Gallery which features various exhibits. The Historical Society is located at 225 N. Roberts, P.O. Box 201201, Helena, MT 59620-1201, phone 444-2694.

HISTORICAL SOCIETY LIBRARY AND ARCHIVES The Montana Historical Society Library and Archives contain the largest collection available of published and manuscript materials related to Montana history. The library currently receives copies of every daily and weekly newspaper and magazine published in the state. It holds an estimated 95 percent of the newspapers ever published in Montana, a large map collection, and has been a depository for official state publications since the 19th century. The collection also includes over 2,500 volumes dealing with the Plains cattle industry from 1860 to 1940, the periodicals from most other historical societies west of the Mississippi, a non-Montana genealogical collection, and selected federal material including the Congressional Serial

Set.

The archives has minutes of legislative committees dating from 1959, older case files from the Montana Supreme Court, other records of territorial and state government, manuscripts and records from private citizens and businesses, and over 150,000 photographs.

The Society's Library is a research library with many old, rare, and fragile items. Materials may not be checked out but may be used in the library reading room on the second floor of the Society's building at 225 N. Roberts Street. Call 444-2694 for more information about the Society's services.

STATE LAW LIBRARY The State Law Library provides legal information and services to state employees and the general public. The Law Library holds over 140,000 volumes of federal and state statutes, opinions, regulations, treatises, journals and law reviews. The Law Library is a federal depository library, providing users with materials from the federal government, other states, Canada, and England. Available legal databases include LEXIS/NEXIS, MONTLAW and WESTLAW. Hundreds of audio and videotapes are available. The Law Library also has thousands of compiled legislative histories on file, which are helpful in determining legislative intent.

Professional Law Librarians provide assistance in using the resources of the Law Library. In addition to regular working hours, the library is open Saturdays from 10:00 a.m. until 2:00 p.m. The Library's web site is found at www.lawlibrary.state.mt.us.

The State Law Library is located in the Justice and Montana State Library Building at 215 North Sanders. For details about these and other services, call 444-3636 (reference), 444-1977 (circulation), 444-3603 (fax), or 444-3660 (administration).

CONCLUSION

We hope that your work in state service will be a rewarding and challenging experience. As public employees, it is incumbent upon all of us to provide the most efficient, responsive, and economical service possible.

Montana State Government is an EEO/Affirmative Action Employer.

Alternative Accessible formats of this document will be provided upon request. Persons who need an alternative format of this document should contact their agency's personnel office. Those using a TDD may call the Montana Relay Service at 1-800-253-4091.

The Department of Administration, State Personnel Division, Human Resources Standards & Services Bureau prepared the core information in this handbook. Your agency may have added to, expanded on, or modified this document to conform to the agency's policies and objectives.